**1813-S.E AMS WM S7393.2 - NOT FOR FLOOR USE**

**ESHB 1813** - S COMM AMD

By Committee on Ways & Means

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  The legislature recognizes that school bus drivers play a crucial role in ensuring students' safe passage to and from school, preventing absences, and extending a positive school climate beyond the classroom. By delivering this essential service, school bus drivers provide a significant time and convenience benefit to thousands of Washington families, remove cars from the road, reduce overall emissions, and increase traffic safety. However, a recent national survey revealed that ninety-four percent of bus contractors experience driver shortages, with twenty-one percent reporting their shortages as severe. With this act, the state of Washington intends to encourage the retention of bus drivers who provide vital services to local communities.

**Sec.**  RCW 28A.160.140 and 1990 c 33 s 140 are each amended to read as follows:

(1)(a) As a condition of entering into a pupil transportation services contract with a private nongovernmental entity, each school district shall engage in an open competitive process at least once every five years, except as provided in (c) of this subsection. This requirement shall not be construed to prohibit a district from entering into a pupil transportation services contract of less than five years in duration with a district option to renew, extend, or terminate the contract, if the district engages in an open competitive process at least once every five years after July 26, 1987.

(b) If, after engaging in an open competitive process, a school district receives a bid or proposal to provide pupil transportation services from only one private nongovernmental entity, the school district must reopen the competitive process to provide a second opportunity for private nongovernmental entities to submit bids or proposals. If the school district receives no additional bids or proposals, the school district may enter into a pupil transportation contract with a nongovernmental entity that provides, at a minimum, eighty-five percent of the employer health benefit contribution and retirement contribution amounts required under subsection (2) of this section.

(c) If, after receiving only one bid or proposal, a school district enters into a pupil transportation services contract with a nongovernmental entity that provides less than the employer health benefit contribution and retirement contribution amounts required under subsection (2) of this section, the school district must engage in a new competitive process for pupil transportation services every two years.

(2) Except as provided under subsection (1) of this section, a school district may only enter into a pupil transportation services contract with a nongovernmental entity that provides the following to its employees:

(a) An employer health benefits contribution equal to the monthly school employer funding rate for the state health benefits program for school employees, less the retiree remittance for the public employees' benefits board, for employees not eligible for health benefits through another employer-based group health insurance plan or through a spouse or domestic partner's employer-based group plan that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the health plan available to school employees with the largest enrollment; and

(b) An amount equivalent to the plans 2 and 3 normal cost employer contribution rate of the school employees' retirement system, multiplied by the estimated salaries of the employees of the private nongovernmental entity.

(3) As used in this section:

((~~(1)~~)) (a) "Employee" means an employee that is subject to a collective bargaining agreement who works sufficient compensated hours for the nongovernmental entity performing services on the contract with the school district to meet the eligibility requirements for the state health benefits program for school employees if the employee was directly employed by the school district;

(b) "Open competitive process" means either one of the following, at the choice of the school district:

((~~(a)~~)) (i) The solicitation of bids or quotations and the award of contracts under RCW 28A.335.190; or

((~~(b)~~)) (ii) The competitive solicitation of proposals and their evaluation consistent with the process and criteria recommended or required, as the case may be, by the office of financial management for state agency acquisition of personal service contractors;

((~~(2)~~)) (c) "Pupil transportation services contract" means a contract for the operation of privately owned or school district owned school buses, and the services of drivers or operators, management and supervisory personnel, and their support personnel such as secretaries, dispatchers, and mechanics, or any combination thereof, to provide students with transportation to and from school on a regular basis; and

((~~(3)~~)) (d) "School bus" means a motor vehicle as defined in RCW 46.04.521 and under the rules of the superintendent of public instruction.

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2020, in the omnibus appropriations act, this act is null and void."

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On page 1, line 2 of the title, after "transportation;" strike the remainder of the title and insert "amending RCW 28A.160.140; and creating new sections."

EFFECT: (1) Provides that school districts may only enter into pupil transportation service contracts with nongovernmental entities that provide health and retirement benefit contributions to their employees that are equivalent to those received by school employees;

(2) Specifies that an employer health benefits contribution is only required for employees not eligible for health benefits through another employer-based group health insurance plan, or the plan of a spouse or domestic partner, that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the health plan available to school employees;

(3) Requires school districts to reopen the competitive process upon receiving only one bid for the transportation contract;

(4) Allows the school district, if it receives no further bids, to enter into a transportation contract that provides at least 85% of the health and retirement contribution amounts provided to school district employees;

(5) Requires that, if a school district enters into a transportation contract that provides health and retirement contribution amounts that are less than those provided to school district employees, the school district must engage in a new competitive process every two years, rather than five;

(6) Defines "employee" as an employee that is subject to a collective bargaining agreement who works sufficient compensated hours for the nongovernmental entity performing services on the contract with the school district to meet the eligibility requirements for the state health benefits program for school employees if the employee was directly employed by the school district; and

(7) Adds a null and void clause making this bill null and void if specific funding for the provisions of the bill is not provided in the omnibus appropriations act.